

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:21-cv-00418-ART-CSD

Order

Re: ECF No. 111

JEREMY R. POWELL,

Plaintiff

v.

CITY OF ELKO, et al.,

Defendants

Before the court is Plaintiff's motion for issuance of a subpoena duces tecum. (ECF No. 111.)

Plaintiff states that his subpoena was returned unexecuted, as Plaintiff mistakenly provided a P.O. Box for service. Plaintiff wants to serve the subpoena at the correct address, and he wants to add parties and requests to the subpoena. First, Plaintiff seeks body cam footage from: Sgt. Billy Hood, Sgt. Bobby Adkins, Deputy Gonzalez, Deputy Trimbach, Deputy Lespede, Deputy Hatch, Sr., and Deputy Grebenec. Second, Plaintiff seeks security camera footage from the jail's booking/intaking processing area of his booking and medical intake. Third, Plaintiff seeks his inmate GT requests submitted in his personal inmate account.

Plaintiff previously filed a motion for the issuance of subpoenas to various medical providers, the Elko Police Department and the Elko County Jail/Sheriff's Department. (ECF No. 58.) With respect to the Elko County Jail, Plaintiff sought body camera footage from Deputy Hatch, Sr., and Deputy Gonzalez, security camera footage from Plaintiff's booking process, and inmate requests and "GT" requests from the communications kiosk. The court granted Plaintiff's motion and issued the subpoenas. (ECF No. 73.)

1 The subpoena for the Elko County Jail was issued to Brent Ryman, Esq., at a Post Office
2 Box in Reno, Nevada. (ECF No. 83.) The subpoena was returned unexecuted on November 3,
3 2022, noting that Mr. Ryman is not located at the Elko County Jail, and that a subpoena cannot
4 be served to a Post Office Box. (*Id.*) Mr. Ryman represents defendants Adkins and Hood, whom
5 Plaintiff alleges are sergeants with the Elko County Jail. (*See* ECF No. 69 at 3.) Elko County is
6 not a defendant in this matter. (*See* ECF Nos. 68, 98.)

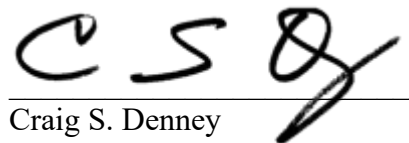
7 Plaintiff's motion (ECF No. 111) is **GRANTED IN PART AND DENIED IN PART**.

8 Insofar as Plaintiff seeks the issuance of a subpoena to defendants Adkins and Hood,
9 Plaintiff's motion is **DENIED** because to the extent Plaintiff seeks their body camera footage,
10 such information can be sought with a request for production of documents as they are parties to
11 this action.

12 Insofar as Plaintiff seeks other body camera and security footage and his inmate requests,
13 the court will **GRANT** Plaintiff's motion for the issuance of a subpoena to the Elko County Jail,
14 which is located at 775 W. Silver Street, Elko, Nevada 89801. Plaintiff may rely on the U.S.
15 Marshal to serve the subpoena; however, the **U.S. Marshal** shall **NOT** proceed with serving the
16 subpoena until it is ordered by the court. Within **10 days** of the date of this Order, Mr. Ryman
17 shall file a notice with the court indicating whether or not he can accept service of the subpoena
18 on behalf of Elko County. If he cannot accept service of the subpoena on behalf of Elko County,
19 the court will issue an order requiring the U.S. Marshal to serve Elko County with the subpoena.

20 **IT IS SO ORDERED.**

21 Dated: February 13, 2023

22 
23 Craig S. Denney
United States Magistrate Judge